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This application became abandoned for failure to timely reply to the non-Final Office Action mailed October 10, 2002.

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OCT 20 2004

In re Application of
Tomomi Momohara et al.
Application No. 09/686,200
Filed: October 5, 2000
Attorney Docket No. 81790.0189

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition, filed October 7, 2004 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

A non-Final Office Action was mailed October 10, 2002. A response was due not later than January 10, 2003. A response in the form of an amendment was filed April 10, 2003 with a three month extension of time request. On June 25, 2003 the applicant was advised that the amendment filed did not comply with 37 CFR 1.173(b) and that a supplemental paper correctly amending the reissue application was required. A one month or thirty days (whichever is longer) shortened statutory period for reply was set for reply. On February 13, 2004 (certificate of mail date December 24, 2003), a five month extension of time request and an amendment were filed. In response thereof, a Notice of Non-Compliant Amendment was mailed March 19, 2004 with a one month or thirty days (whichever is longer) shortened statutory period for reply.

An amendment to the March 19, 2004 Notice was filed August 16, 2004 with a four month extension of time. On September 27, 2004, a Failure to Acceptably Respond to a Notice of Non Compliant Amendment was mailed. Since the period for reply ran from the Notice of Non-Complaint Amendment mailed March 19, 2004, the application became abandoned April 20, 2004.

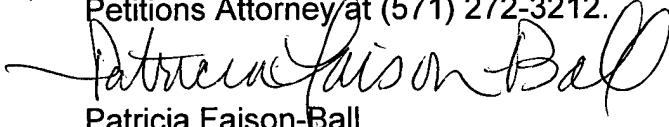
The filing of the instant petition precedes the mailing of the Notice of Abandonment.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;
- (2) the petition fee required by 37 CFR 1.17(l);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

A supplemental amendment is submitted with the petition to revive. The application is being forwarded to Technology Center 2829 for processing of the amendment.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions